

PROSECUTION BY A PERSON OTHER THAN WORKSAFE NZ.

The Health and Safety at Work Act 2015 contains provision for an individual to take a prosecution where Dept Labour WorkSafe NZ MBIE fails to do so.

In a recent case there is clear evidence that the target of the prosecution decided to challenge the validity of the laying of charges and was then put back in place by the Justice that made a decision that the case would proceed regardless of failure to dot the I or cross the t.

A man seriously injured at work in a fall from a ladder is privately prosecuting businesses at the site. Jayden Rickard-Simms, who is in his early 20s, spent two weeks in intensive care after the April 20, 2016, fall and is still affected nearly three years later.

WorkSafe investigated but refused to take action against the businesses so Rickard-Simms has stepped into court when WorkSafe would not. He has started a private prosecution against Goodman Fielder NZ and Hall's Refrigerated Transport which leased and sub-leased the Grenada North warehouse where Rickard-Simms was working as an apprentice refrigeration technician for Engie Services NZ.

BRANZ ON NEW FALL PREVENTION REGS

BRANZ. has recently reported on the new safety regulations and considers that the cost of \$1 billion to the construction industry will be well worth the savings in human life and accidents.

At the same time we made submissions to Building and Housing Engineer Brian Cashin, to advocate that all new homes should have two anchor pins in the ridge beam at the ends so that it will be possible for all roof workers to have high quality anchor points with considerable reliability.



Summit Manager Name _____
Telephone/Email _____
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And He is the head of the body, the church who is the beginning, the firstborn from the dead; that in all things he might have the preeminence. For it pleased the Father that in Him should all fulness dwell; For in Him dwelleth all of the fullness of the Godhead bodily. Col 1 : 18-19 KJV
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WORKSAFE TO SEEK PROSECUTION ADVICE IN SERIOUS CASES.

Two Hamilton parents suffered the death of two children caused by a truck driver that had exceeded his hours and lost control of his truck and it sideswiped the car killing the two children. WorkSafe NZ decided to let the NZ Police take the case and they did nothing to prosecute the driver or trucking company.

WorkSafe failed to act on a Coroner's recommendation to prosecute a truck company over a crash that killed two boys on the Desert Road at Easter in 2018. In that case, though the Coroner said it appeared health and safety laws had been breached, WorkSafe sought no external advice from Crown Law before dropping it.

The boys' parents asked Workplace Safety Minister Andrew Little to intervene. Time has run out on their case, but the minister has now ordered WorkSafe to get outside legal advice in future for such cases wherever possible.

"I expect that when a coroner recommends that WorkSafe considers a prosecution or reconsiders its decision not to prosecute (even if alternative enforcement action is taken), WorkSafe will give full consideration to those recommendations, including seeking external legal advice where possible," Little wrote to WorkSafe chair Ross Wilson last month.

"This is consistent with the expectation ... that WorkSafe build public and stakeholder confidence in the effectiveness of the health and safety regulatory system." Wilson responded that WorkSafe would consider external legal advice or, where it could not, would alert the minister to that.



2.

NOTIFIABLE OCC DISEASES

The NOD System is administered by the WorkSafe MBIE. This article is about respiratory disease at work.

Respiratory diseases are those that make it difficult or impossible for people to breathe properly. This means that dust and fumes have an important role to play and anything that can cause cancer.



DISGRACEFUL CONDUCT TOP OFFICIAL 20 WEEKS A POLITICIAN

As Jacinda Ardern opens up about balancing campaigning with being Prime Minister, the State Services Commissioner says public servant Ashley Bloomfield's recent cameo in a Labour Party video could "create confusion".

The video posted to Labour's Facebook page last month - which has since been removed - featured a three-second appearance from Dr Bloomfield, the Director-General of Health, and other Ministry of Health workers.

Dr Bloomfield's cameo sparked backlash from Opposition MPs, including National Party deputy leader Gerry Brownlee and ACT leader David Seymour, who said it was unacceptable for public servants to appear in a political party promo.

The right-wing Taxpayers' Union complained to State Services Commissioner Peter Hughes, who has responded by acknowledging how "confusion" could be created by the video, the contents of which he "carefully considered" in his review.

Hughes said he considered the fact that Labour leader Ardern had the video removed, and she said it was taken down "because we don't want to lead to any questions of there being any compromised position of anyone in this case".

Hughes said he has "carefully considered the material, the content of the video, the context in which it appeared, and how it may be interpreted" by viewers. "Placing footage of ministers and public servants doing their official work on a political party branded platform could create confusion about the motivations and political neutrality of the public servants concerned," he said.

"In this instance, and having regard to all the circumstances, my judgement is that on balance there is potential for questions to be raised regarding the participation of the public servants in the video.



OUR COMMENT

We think that the considered opinion of Commr Hughes is half baked and very shallow. We understand that Ashley Bloomfield deliberately failed to operate his primary health department to prevent the plague and his workers have been sidelined. This is nothing less than disgraceful conduct.

3.

DOUGH BREAK MACHINERY MUST BE GUARDED

Accident July 2018, court July 2019 and sentence July 2020

On 16 July 2018 while working as a pastry worker for Oriental Cuisine Limited, the victim was threading dough through a pastry rolling machine when his left hand was caught and crushed between two running rollers.

This caused serious injury to the victim's left hand, including the complete degloving of his index and middle fingers to the first joints, as well as fractures to those joints. The victim also received laceration injuries to his thumb and fingers.

Improvements required

- Ensure an adequate risk assessment is conducted by a competent person to identify and manage the risks associated with the pastry and noodle roller (dough brake/sheeter) machine.
- Ensure the pastry and noodle roller (dough brake/sheeter) machine is adequately guarded.
- Develop, implement and monitor a safe system of work for the operation of the pastry and noodle roller (dough brake/sheeter) machine.

Fine Imposed \$260,000

